

Copies mailed
Chambers of Judge Davison

3/4/22
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EDWARD BRIMS,

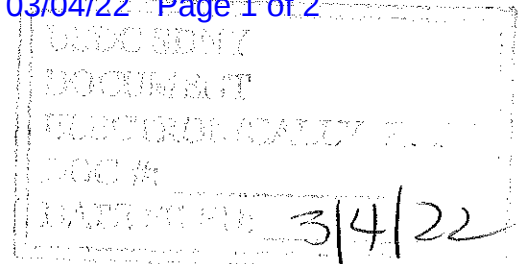
Petitioner,

- against -

J. COLLADO, SUPT.,

Respondent.

PAUL E. DAVISON, U.S.M.J.:



18 Civ. 6973 (KMK)(PED)

**ORDER DENYING MOTION
TO STRIKE**

By motion dated December 29, 2021, Petitioner moved to strike portions of Respondent's Opposition. [Dkts. 45-46.] For the reasons set forth below, the motion is **DENIED**.

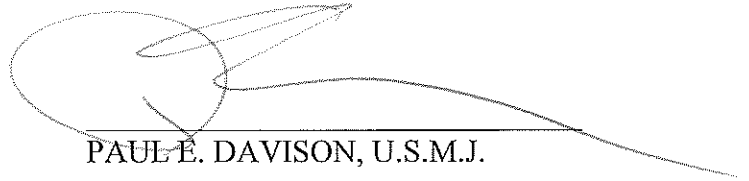
This Court today issues a Report and Recommendation to the Honorable Kenneth Karas, recommending that this action be dismissed. Familiarity with that Report and Recommendation, and the procedural history set forth therein, is assumed. In the event that Judge Karas adopts this Court's recommendation, Petitioner's motion for strike is moot.

In any event, Petitioner's motion for a strike is without merit. Under Rule 12(f), a court "may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). "Motions to strike are generally disfavored and granted only if there is a strong reason to do so." *Guzman v. Concavage Marine Const. Inc.*, 176 F. Supp.3d 330, 336 (S.D.N.Y. 2016) (internal quotations omitted). Petitioner argues that the Respondent's statement that the Court did not initiate his self-representation should be stricken as misleading. [Dkt. 46.] Respondent's statement is neither redundant, immaterial, impertinent, nor scandalous, and as a result the statement will not be stricken.

Accordingly, Petitioner's motion is **DENIED**. The Clerk shall close Dkt. 45.

Dated: March 4, 2022

White Plains, New York



PAUL E. DAVISON, U.S.M.J.

A copy of this Order has been mailed to:

Edward Brims
12-A-1648
Shawwagunk Correctional Facility
P.O. Box 700
Wallkill, NY 12589